

REMARKS

In response to the present Office action, Applicant has amended claims 1-5 as indicated above. Applicant acknowledges with appreciation the indication of correction necessary in claim 2, line 1. Applicant has amended claim 2 accordingly.

In subject Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. § 102 (e) as being anticipated by Xavier, et al. (U.S. Patent 6,190,748). Applicant believes that the Xavier reference would not apply to claims 1-4, as amended. Thus Applicant believes that claims 1-4 as amended are allowable over the Xavier reference.

The Examiner further rejected claims 5 and 6 under 35 U.S.C. § 102 (e) as being anticipated by Whitcher, et al. (U.S. Patent 6,104,686). As indicated above, Applicant has amended base claim 5. In view thereof, Applicant believes that the Whitcher, et al. reference would not apply against claims 5 and 6 as amended. Applicant thus further believes that amended claim 5 (and dependent claim 6) are allowable over the Whitcher, et al. reference.

The Examiner also cited prior art made of record without reliance thereupon indicating such prior art is considered pertinent to Applicant's disclosure. These references included Tompkin, et al. (U.S. Patent 6,226,109); Nishizawa, et al. (U.S. Patent 5,781,526); Kondo (U.S. Patent 5,538,773); and Van Rosmalen, et al. (U.S. Patent 4,870,508). Applicant has reviewed these references and believes they do not affect the allowability of the claims herein as amended.

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicant's attorney at the phone number noted below.

Date:

Feb 28, 2003

Respectfully submitted,

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1. (Amended) An optical disc with physical synchronization markers adapted to enable a counting of data points to thereby determine a radial position of a respective data point associated with said optical disc.

2. (Amended) A cover for use with an optical disc assembly, said cover comprising physical synchronization markers adapted to enable a counting of data points to thereby determine a radial position of a respective data point associated with said optical disc.

3. (Amended) A method for acquiring data from an optical disc having physical synchronization markers, said method comprising:

- detecting at least one physical synchronization marker on an optical disc;
- reading data from said optical disc in response to detecting said at least one physical synchronization marker; and
- determining possible presence of an analyte material by analyzing the data read from said optical disc.

4. (Amended) A method for acquiring data from an optical disc in combination with a cover having physical synchronization markers, said method comprising:

- detecting at least one physical synchronization marker on said cover;
- reading data from said optical disc in response to detecting said at least one physical synchronization marker on said cover; and
- determining possible presence of an analyte material by analyzing the data read from said optical disc.

5. (Amended) An apparatus for acquiring data from an optical disc using physical synchronization markers, said apparatus comprising:

- an optical disc drive capable of reading operational and nonoperational structures from an optical disc assembly; and
- a photodetector for detecting at least one physical synchronization marker on said optical disc assembly, said physical synchronization marker adapted to enable a counting

of data points to thereby determine a radial position of a respective data point associated with said optical disc.

6. The apparatus of claim 5 wherein said optical disc assembly is selected from a group comprising an optical disc, a cover, and a combination thereof.

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